

REMARKS

In the Office Action of June 12, 2008, the claims as originally presented have been rejected on the following grounds: (a) claim 8 was rejected under 35 U.S.C. § 112, 2d ¶, for assertedly being unclear, and (b) claims 8-13 were rejected under 35 U.S.C. § 102(b) on the grounds that applicants' specification assertedly anticipates the subject matter of such claims. The applicants respectfully disagree and traverse the rejections. Reconsideration is respectfully requested.

By the foregoing amendments, the applicants have cancelled previously pending claims 8-13, and submitted new claims 14-19, which are believed to render moot each basis of rejection stated in the Office Action. With regard to the assertion in the Office Action that "applicants' specification teaches us that the use of such two-dimensional classifying matrices are well known in the art for visual display and counting of the regions of a yarn," the applicants submit that this asserted basis for the prior rejections misinterprets the applicants' specification.

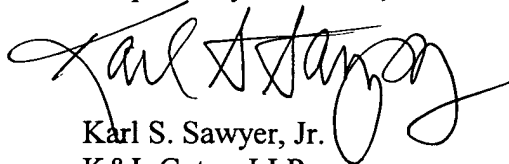
While the applicants' specification admittedly states that a two-dimensional classifying matrix is "known *per se*" (para. 0005), this statement merely acknowledges that such matrices are known in general in other fields. For example, a spreadsheet representation of data is a form of "two-dimensional classifying matrix", which is certainly well known. However, no such matrix is known to have been used in the prior art for providing a visual display of data reflecting the comparison of measured values of effect yarns against predetermined minimum values, and nothing in the applicants' specification as filed so states. Hence, it is submitted that this reason for the substantive rejection stated in the Office Action is unsupported and incorrect. Moreover and in any event, there is no teaching or suggestion in the art otherwise to provide such a matrix with all of the characteristics recited in the standing claims.

The new claims as now amended are submitted to overcome the issue of the lack of clarity in the original claims. Accordingly, in the absence of any prior art having been cited against the claims in this application, it is respectfully submitted that the application is now in condition for allowance.

The Office Action also asserts that the drawing figure identified in the specification of this application is not present in the current application. Appended hereto is a substitute drawing sheet to be added to the file wrapper. According to the file of the undersigned attorney for the applicant, the drawing figure was submitted with the application. Regardless, the application specifically claims the benefit of, and incorporates by reference corresponding German application 103 48 741.1, and a copy of corresponding PCT publication WO2005/042815 A2 containing the drawing was submitted with the application, whereby the submission of a new drawing is not new matter.

Favorable reconsideration and issuance of a formal notice of allowance of this application is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Karl S. Sawyer, Jr.", with a stylized, flowing script.

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